

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

UNITED STATES OF AMERICA	)	
	)	
v.	)	CR. NO. 3:07-cr-150-MHT-CSC
	)	
BENJAMIN SHANE FOSTER,	)	
a/k/a Benjamin Shawn Foster	)	

**MOTION TO CONSOLIDATE PLEA HEARINGS**

**COMES NOW** the United States of America, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and moves this court to consolidate the change of plea hearings in the above-styled cases. As grounds for such motion, the government states as follows:

1. In case number 3:07-cr-150-MHT-CSC, the defendant was indicted in the Middle District of Alabama for being a felon in possession of a firearm in violation of Title 18, United States Code, Section 922(g)(1).
2. Investigation of the defendant's conduct revealed that he also possessed a firearm in Clay County, Alabama, on May 11, 2007, in the Northern District of Alabama.
3. Defendant has consented to have the felon in possession charge arising out of his conduct in the Northern District of Alabama transferred to the Middle District of Alabama pursuant to Rule 20. Defendant was charged by information in the Northern District of Alabama with being a felon in possession of a firearm in violation of Title 18, United States Code, Section 922(g)(1). That case has been transferred to the Middle District

of Alabama and assigned case number 2:08-cr-48-MEF-CSC.

4. Defendant has filed a Notice of Intent to Change Plea in each of the above-styled cases.
5. The government has drafted and the defendant has signed one plea agreement that will resolve both cases. Pursuant to such plea agreement, the defendant will plead guilty to all charges in the above-cited case numbers. Consolidation of the plea hearings will save judicial resources.
6. The attorney for the defendant, Michael Petersen, does not oppose this motion.

WHEREFORE, the government requests that the plea hearings in the above-styled cases be consolidated into one plea hearing.

Respectfully submitted this the 26<sup>th</sup> day of March, 2008.

LEURA G. CANARY  
UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

I hereby certify that on March 26, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Michael Petersen, attorney for the defendant.

Respectfully submitted,

LEURA G. CANARY  
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